

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JAMES R. SCHULTZ,

Plaintiff,

v.

JEFFREY PUGH, *et al.*,

Defendants.

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EX PARTE  
ORDER

10-cv-581-bbc

This case was removed by the defendants from Chippewa County Circuit Court. Plaintiff's claims under the Wisconsin Constitution were remanded to the Circuit Court. Plaintiff was allowed to proceed in this court on the following claims: (1) defendants Johnson and Severson used excessive force against plaintiff, in violation of the Eighth Amendment; (2) defendants DeMars, Richardson and Kasten disciplined plaintiff for discussing Johnson's and Severson's use of force, in violation of the First Amendment; (3) defendants Kasten and Pugh ordered plaintiff to refrain from speaking about the use of force, in violation of the First Amendment; and defendant Richardson refused to allow plaintiff to use an ambulatory aid in violation of the Americans with Disabilities Act and the Eighth Amendment. Defendants have filed a motion for summary judgment on the ground that plaintiff has failed to exhaust his administrative remedies.

On January 20, 2011, plaintiff sent this court an *ex parte* letter. It cannot be considered by the court unless plaintiff agrees to provide the defendants a copy of the letter. The court then would allow defendants to respond to plaintiff's allegations. If plaintiff does not wish the defendants to see the letter, then the court will not consider it. Plaintiff has until January 28, 2011 to decide how he wishes to proceed.

ORDER

IT IS ORDERED that plaintiff shall advise the Court by January 28, 2011 whether he consents to have the court disclose his ex parte letter to defendants or if he would rather keep the letter confidential, which would result in the court not considering the allegations contained therein.

Entered this 20<sup>TH</sup> day of January, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge